protected photograph, causing significant advertising injury to Plaintiff. Plaintiff seeks recovery of all remedies available under law including but not limited to its damages, all of Defendants' profits, and payment of Plaintiff's attorneys fees and costs.

JURISDICTION AND VENUE

- 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331, 1338(a).
- 3. The claims asserted herein arose in this judicial district and all Defendants do business in this judicial district.
- 4. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.
- 5. This is an action for copyright infringement under the Copyright Act of 1976, Title 17 U.S.C. § 101 et seq., seeking damages, attorneys' fees, preliminary and permanent injunctive relief and an accounting, as well as damages and other relief based upon other claims related to the misappropriation of Plaintiff's intellectual property.

<u>PARTIES</u>

The Plaintiff

6. Plaintiff GLEN E. FRIEDMAN, is an individual, and is a citizen of the State of New York.

The Defendants

7. Plaintiff is informed and believes and thereon alleges that THIERRY GUETTA a/k/a MR. BRAINWASH ("THIERRY GUETTA") is an individual, and a citizen of the State of California. Plaintiff is informed and believes and thereon alleges that THIERRY GUETTA is a graphic artist who uses pseudonym "MR. BRAINWASH".

- 8. Plaintiff is informed and believes and thereon alleges that Defendants DOES 1 through 10, inclusive, created, assembled, distributed, manufactured and/or sold artwork bearing Plaintiff's copyrighted SUBJECT IMAGES (as hereinafter defined). The true names and capacities, whether corporate, individual or otherwise, of the Defendant DOES 1 through 10, inclusive, are unknown to Plaintiff who therefore sues said Defendants by such fictitious names, and will ask leave to amend this Complaint to show their true names and capacities when the same have been ascertained.
- 9. Plaintiff is informed and believes and thereon alleges that at all times relevant hereto, each of the Defendants, including without limitation the DOE Defendants, was the agent, affiliate, officer, director, manager, principal, partner, joint venturer, alter-ego and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliate, officer, director, manager, principal, partner, joint venturer, alter-ego and/or employment relationship and actively participated in, or subsequently ratified and adopted, or both, each and all of the acts or conduct alleged herein, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each and all of the violations of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIM FOR RELIEF

COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. § 101 ET SEQ.

(Against All Defendants and Each of Them)

- 10. Plaintiff repeats, realleges and incorporates by reference in this paragraph the allegations contained in this Complaint as if fully set forth herein.
- 11. Plaintiff, FRIEDMAN is a photographer and artist, who has gained worldwide recognition for his original and groundbreaking photographs of musical visionaries and other cultural icons.

12. Plaintiff took the following original photograph of the music group RUN DMC, (hereinafter "Subject Image"), which contains materials wholly original with Plaintiff and is copyrightable subject matter under the laws of the United States.



photograph & GLEN E. FRIEDMAN, from the book. FUCK YOU HERDES, reprinted with permission from Burning Flags Press

- 13. The Subject Image was published by Plaintiff in his book, entitled F***
 YOU HEROES: Burning Flags Press (September 1994), ISBN-10: 0964191601, ISBN13: 978-0964191600, for which Plaintiff applied for and received a copyright registration VA 1-221-001.
- 14. Plaintiff is informed and believes and thereon alleges that Defendants including all DOE Defendants, their customers and suppliers and each of them, had access to the Subject Image, including without limitation, access through Plaintiff's book, access through copies published on the internet and access through illegal copies.
- 15. Plaintiff is informed and believes, and thereon alleges, Defendants wrongfully created copies of the copyrighted Subject Image without Plaintiff's consent and engaged in acts of affirmative and widespread self-promotion of the copies directed to the public at large by distributing said copies (and accompanying written materials) with a false and misleading designation of creation, ownership and origin, and falsely representing that the Subject Image was their own.

16. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, further infringed Plaintiff's copyright by making derivative works from Plaintiff's copyrighted Subject Image, and/or by producing and distributing garments incorporating those derivative works without Plaintiff's permission. Defendants then engaged in acts of affirmative and widespread self-promotion of the copies directed to the public at large by publicly claiming ownership rights in and to the derivative works based on the Subject Image that belong solely to Plaintiff.

17. THIERRY GUETTA offered for sale, and in fact sold, the following product:



18. THIERRY GUETTA offered for sale, and in fact sold, the following product:



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19. THIERRY GUETTA offered for sale, and in fact sold, the following product:



20. THIERRY GUETTA offered for sale, and in fact sold, the following product:



- 21. THIERRY GUETTA offered for sale, and in fact sold, other works utilizing the Subject Image.
- 22. DOES 1- 10 offered for sale, and in fact sold, the artwork referenced in paragraphs 17 through 21.
- 23. Defendants' acts of copyright infringement and acts of affirmative and widespread self-promotion of the copies directed to the public at large, as alleged above, have caused Plaintiff to suffer, and to continue to suffer, substantial damage to its business in the form of diversion of trade, loss of income and profits, and a dilution of the value of its rights.
- 24. Further, as a direct result of the acts of copyright infringement and acts of affirmative and widespread self-promotion of the copies directed to the public at large

alleged above, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of Plaintiff's copyrighted Subject Image. Plaintiff is entitled to disgorgement of each Defendant's profits directly and indirectly attributable to said Defendant's infringement of the Subject Image.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- 1. That Defendants, and each of them, and their respective agents and servants be enjoined from infringing Plaintiff's copyright in any manner;
- 2. That Plaintiff be awarded all profits of Defendants, and each of them, plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages, as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- 3. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- 4. That Defendants, and each of them, account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foregoing acts of infringement;
 - 5. That Plaintiff be awarded pre-judgment interest as allowed by law;
 - 6. That Plaintiff be awarded the costs of this action; and
- 7. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Dated: December 29, 2009 THE LINDE LAW FIRM

Douglas A. Linde

Erica L. Allen

Attorneys for Plaintiff GLEN E. FRIEDMAN

DEMAND FOR JURY TRIAL Plaintiff hereby demands a trial by jury in this action pursuant to F.R.C.P. 38 and the Seventh Amendment of the Constitution. Dated: December 29, 2009 THE LINDE LAW FIRM By: Douglas A. Linde Erica L. Allen Attorneys for Plaintiff GLEN E. FRIEDMAN

Douglas A. Linde, State Bar No. 217584 The Linde Law Firm 9000 Sunset Blvd., Suite 1025 Los Angeles, CA 90069 (310) 203-9333 (310) 203-9233 FAX

CENTRAL DISTRICT OF CALIFORNIA					
GLEN E. FRIEDMAN	CASE NUMBER				
PLAINTIFF(S) V. THERRY CHETTA - Alva MR. RRAINWASH and	CV10 0014 DDP (JCx)				
THIERRY GUETTA a/k/a MR. BRAINWASH; and DOES 1 through 10, inclusive,					
DEFENDANT(S).	SUMMONS				
A lawsuit has been filed against you. Within 21 days after service of this summor must serve on the plaintiff an answer to the attached or counterclaim cross-claim or a motion under Rule 12 or motion must be served on the plaintiff's attorney, The 9000 Sunset Blvd., Suite 1025, Los Angeles, CA 90069 audgment by default will be entered against you for the regour answer or motion with the court.	ns on you (not counting the day you received it), you complaint amended complaint 2 of the Federal Rules of Civil Procedure. The answer e Linde Law Firm, whose address is If you fail to do so				
	Clerk, U.S. District Court				
Dated: JAN - 4 2010	By: Deputy Clerk				
	(Seal of the Court)				

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

CV-01A (12/07) SUMMONS

Douglas A. Linde, State Bar No. 217584 The Linde Law Firm 9000 Sunset Blvd., Suite 1025 Los Angeles, CA 90069 (310) 203-9333 (310) 203-9233 FAX UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CASE NUMBER GLEN E. FRIEDMAN PLAINTIFF(S) CV10 0014 THIERRY GUETTA a/k/a MR. BRAINWASH; and DOES 1 through 10, inclusive, **SUMMONS** DEFENDANT(S). TO: DEFENDANT(S): All above named Defendants A lawsuit has been filed against you. Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached 🗹 complaint 🗆 _____ amended complaint 🗆 counterclaim 🗆 cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, The Linde Law Firm , whose address is 9000 Sunset Blvd., Suite 1025, Los Angeles, CA 90069 If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court. Clerk, U.S. District Court CHRISTOPHER POWERS Dated: ____ Deputy Cles [Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

CV-01A (12/07) SUMMONS

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself □) GLEN E. FRIEDMAN			THIERR	DEFENDANTS THIERRY GUETTA a/k/a MR. BRAINWASH; and DOES 1 through 10, inclusive			
yourself, provide same) Douglas A. Linde and Eri THE LINDE LAW FIRM			Attorneys (I	f Known)			
II. BASIS OF JURISDICTION (Place an X in one box only.) III. CITIZENSHIP OF PR (Place an X in one box only.)						es Only	
☐ 1 U.S. Government Plaintiff	■ 3 Federal Question (U.S. Government Not a Party	Citizen of	This State	PTF □ 1	DEF Incorporated or of Business in the		
☐ 2 U.S. Government Defendan	t □ 4 Diversity (Indicate Citiz of Parties in Item III)	cenship Citizen of	Another State	□ 2	☐ 2 Incorporated and of Business in A	d Principal Place ☐ 5 ☐ 5 nother State	
		Citizen or S	Subject of a Forei	gn Country 🗆 3	☐ 3 Foreign Nation	□6 □6	
IV. ORIGIN (Place an X in one box only.) 1 Original Proceeding State Court St							
CLASS ACTION under F.R.C	,	res Brojeneek		MANDED IN CO			
VI. CAUSE OF ACTION (Cit	e the U.S. Civil Statute under whi		d write a brief stat	tement of cause. I	Do not cite jurisdictional s		
Plaintiff alleges Defendant VII. NATURE OF SUIT (Place)	violated 17 U.S.C 101 et seq. wh	en he manufactured	and sold artwork	bearing Plaintiff's	s original, copyright protec	cted images.	
		<u> </u>			<u> </u>		
□ 891 Agricultural Act □ 892 Economic Stabilization Act □ 893 Environmental Matters □ 894 Energy Allocation Act □ 895 Freedom of Info. Act	CONTRACT 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loan (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	TORTS PERSONAL INJ 310 Airplane Pr Liability 320 Assault, Lii Slander 330 Fed. Emplo Liability 340 Marine Pro Liability 350 Motor Vehi 750 Other Perso Injury 362 Personal In 764 Marine Pro Liability 365 Personal In 764 Malpri 367 Personal In 776 Motor Vehi 786 Motor Vehi 787 Product Lia 368 Asbestos Pe 187 Injury Prod Liability IMMIGRATIC 462 Naturalizati Application 463 Habeas Cor Alien Detai 465 Other Immi Actions	roduct	Property Damage Product Liability NKRUPTCY Appeal 28 USC 158 Withdrawal 28 USC 157 /IL RIGHTS Voting Employment Housing/Accommodations	PRISONER PETITIONS □ 510 Motions to Vacate Sentence Habeas Corpus □ 530 General □ 535 Death Penalty □ 540 Mandamus/ Other □ 550 Civil Rights □ 555 Prison Condition FORFEITURE / PENALTY □ 610 Agriculture □ 620 Other Food & Drug □ 625 Drug Related Seizure of Property 21 USC 881 □ 630 Liquor Laws □ 640 R.R. & Truck □ 650 Airline Regs □ 660 Occupational Safety /Health □ 690 Other	☐ 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY	
		<u> </u>					
				<u>r.v 1 (</u>	0014	- 4	

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

CV-71 (05/08)

FOR OFFICE USE ONLY: Case Number:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has If yes, list case number(s):	s this action been pr	eviously filed in this court ar	nd dismissed, remanded or closed?	
VIII(b). RELATED CASES: Have If yes, list case number(s):		eviously filed in this court that	at are related to the present case? VNo Ses	
□ C.	Arise from the same Call for determinati For other reasons w	e or closely related transaction on of the same or substantial could entail substantial duplic	ons, happenings, or events; or ly related or similar questions of law and fact, or cation of labor if heard by different judges; or , and one of the factors identified above in a, b or c also is present.	
IX. VENUE: (When completing the	10//			
(a) List the County in this District;Check here if the government, it	California County of a agencies or emplo	outside of this District; State in oyees is a named plaintiff. If	if other than California; or Foreign Country, in which EACH named plaintiff resides. this box is checked, go to item (b).	
County in this District.*			California County outside of this District; State, if other than California; or Foreign Country	
			New York	
			if other than California; or Foreign Country, in which EACH named defendant resides. If this box is checked, go to item (c).	
County in this District:*			California County outside of this District; State, if other than California; or Foreign Country	
Los Angeles County				
(c) List the County in this District, Note: In land condemnation ca			if other than California, or Foreign Country, in which EACH claim arose.	
County in this District:*			California County outside of this District; State, if other than California, or Foreign Country	
Los Angeles County				
* Los Angeles, Orange, San Bernar Note: In land condemnation cases, us	dino, Riverside, Ve	entura, Santa Barbara, or S	San Luis Obispo Counties	
X. SIGNATURE OF ATTORNEY (OR PRO PER):	1904	Date 12/29/09	
Notice to Counsel/Parties: The or other papers as required by law	e CV-71 (JS-44) Ci v. This form, approv	vil Cover Sheet and the infor ed by the Judicial Conference	mation contained herein neither replace nor supplement the filing and service of pleadings e of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed ting the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)	
Key to Statistical codes relating to So				
Nature of Suit Code	Abbreviation	Substantive Statement of	f Cause of Action	
861	HIA		ance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. spitals, skilled nursing facilities, etc., for certification as providers of services under the iFF(b))	
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)		
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))		
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))		
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.		
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))		

CV-71 (05/08) CIVIL COVER SHEET Page 2 of 2

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dean D. Pregerson and the assigne	d
discovery Magistrate Judge is Jacqueline Chooljian.	

The case number on all documents filed with the Court should read as follows:

CV10- 14 DDP (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge
NOTICE TO COUNSEL
A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).
Subsequent documents must be filed at the following location:
[X] Western Division [] Southern Division [] Eastern Division

CV-18 (03/06)

312 N. Spring St., Rm. G-8

Failure to file at the proper location will result in your documents being returned to you.

Los Angeles, CA 90012

411 West Fourth St., Rm. 1-053

Santa Ana, CA 92701-4516

3470 Twelfth St., Rm. 134

Riverside, CA 92501